

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDDIE D. MORANT,

Defendant.

ORDER

08-cr-131-bbc

At the final hearing held on October 29, 2009, with Assistant United States Attorney Timothy O'Shea, defendant Eddie Morant and stand by counsel, Mike Lieberman, we tailored the introductory instructions to include each of the counts charged against defendant in the superseding indictment. We also discussed the evidence concerning penalties that could be introduced at trial as impeachment material. Defendant understands that the evidence is limited to the number of convictions and the dates of those convictions. I found that evidence of defendant's prior conviction of a crime punishable by imprisonment in excess of one year is admissible because the probative value of admitting this evidence outweighs its prejudicial effect.

Finally, I cautioned defendant that he may not raise at trial any issue about the

alleged vindictiveness of the superseding indictment or the possibility that the indictment was motivated by racial animus. As to either argument, I concluded that defendant has no evidence to support a claim of vindictiveness or of racial animus.

Entered this 30th day of October, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge